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Attorney for Plaintiffs
Telitha Ball, et. al.

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

Telitha Ball, et. al.,
Plaintiffs

Action No. 08-831-MHP

Declaration of Gregory M.
Haynes In Support of
Motion for Order
Remanding the Case to
State Court and for an
Order for payment of Costs
And attorney fees

City and County of
San Francisco, et al.
Defendants

DATE: Aug 11, 2008
TIME: 2:00p.m.
PLACE: Courtroom 15
Judge:
Hon. Marilyn H. Patel

I, Gregory M. Haynes, declare as follows:

1 1. I am the attorney for the plaintiffs herein and I
2 have personal knowledge of the information set forth
3 herein.

4 2. On May 19, 2008, I served the defendant Ernest
5 Ferrando at 850 Bryant with the summons and first
6 amended complaint in this matter.

7 3. On June 6, 2008, the City and County of San
8 Francisco and Chief of Police Heather Fong, in her
9 official capacity, filed a notice of removal in this
10 court.

11 4. On June 26, 2008, Ernest Ferrando filed an answer in
12 this matter. He did not join the removal.

13 5. Prior to June 19, 2008, I spoke with the defense
14 counsel for defendant City and County of San Francisco
15 in this matter and sent correspondence to her. I
16 requested that all the defendants in this matter join
17 the removal and answer the complaint.

18 6. After June 19, 2008, I spoke with the defense
19 counsel in this matter and requested that the matter be
20 remand to the state court. After determining that
21 Ernest Ferrando had been served, she agreed to remand
22 the matter. I requested that defense counsel waive
23 the 30 day period in which to file a motion. Defense
24 counsel declined to so waive the 30 day period.
25 Defense counsel and I could not agree on the language
26 of the stipulation. She, for example, required that
27 the stipulation provide that Heather Fong, in her
28 individual capacity, joined the removal. She did not.

1 Further, it appears that defense counsel wanted to file
2 an addition notice of removal for other defendants once
3 they were served. Defense counsel also indicated that
4 she would also be out of the office during part of the
5 week of July 3, 2008.

6 7. Without the waiver to file the motion after the 30
7 day period set forth in 28 U.S.C. 1447(c); and the
8 inability to resolve the other issues within the time
9 to file the motion, this motion was made.

10 8. I have spent in excess of 3 hours on this motion
11 and plan at least one addition hour. I have also spent
12 2 hours on attempting to get the answers of the other
13 defendants and having them join the removal prior to
14 June 19, 2008, including Heather Fong, who was serviced
15 in this matter.

16 9. A reasonable hourly rate in this matter is \$400.00
17 per hour, and I have spent or plan to spend a
18 reasonable number of hours on this matter which is
19 6 hours, for total expenses on as a result of removal
20 of \$2400.00.

21
22 I declare under penalty of perjury that the foregoing
23 is true and correct, executed in San Francisco on July
24 3, 2008.

25
26
27 _____
Gregory M. Haynes
28